

**No. 24-0444**

**IN THE SUPREME COURT OF TEXAS**

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**Michael Joseph Bitgood a/k/a Michael Easton  
Petitioner**

**v.**

**Karina Martinez, Marianna Sullivan, and Imperial Lofts  
Respondents**

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**On Petition for Review from No. 14-22-00694-CV  
Court of Appeals  
Fourteenth Judicial District**

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**On Interlocutory Appeal  
From the County Court at Law No. 3  
of Fort Bend County, Texas  
Trial Court Case No. 22-CCV-070378**

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**Petitioner's Notice of Non-suit  
Without Prejudice Pursuant to Rule 162**

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Brad Beers  
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Attorney for Michael Bitgood  
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**TO THE HONORABLE TEXAS SUPREME COURT:**

Petitioner, Michael Joseph Bitgood, a/k/a/ Michael Easton, files this notice of non-suit without prejudice pursuant to Texas Rule of Civil Procedure 162 and in accord with *Morath v. Lewis*, 601 S.W.3d 785 (Tex. 2020). This is an interlocutory appeal from County Court at Law No. 3 of Fort Bend County where Petitioner is Plaintiff.

Respondents did not seek an extension of time to file their cross petition for review and have filed no petition for review, but rather Respondents invoked the arbitration process in connection with these claims and as such abandoned their claims in this Court. Thus, under *Morath* and because this was an interlocutory appeal, this non-suit is effective immediately and requires that this Court enter the non-suit and end the litigation in this Court.

**Prayer**

Wherefore, Petitioner prays that the Court take notice of Petitioner's non-suit without prejudice and enter an order of such non-suit without prejudice.

Respectfully submitted,  
/s/ Brad Beers  
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**CERTIFICATE OF COMPLIANCE**

This document complies with the typeface requirements of Tex.R.App.P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14 point for text, and contains 127 words as counted by MS Word Office 365.

**CERTIFICATE OF SERVICE**

On September 3, 2024, I certify that I delivered a true and correct copy of this instrument to Texas e-File for distribution.

/s/ Brad Beers

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Bar No. 02041400

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Filing Description: Petitioner's Notice of Non-suit Without Prejudice

Pursuant to Rule 162

Status as of 9/3/2024 11:00 AM CST

Associated Case Party: MichaelJosephBitgood

Name	BarNumber	Email	TimestampSubmitted	Status
Brad Beers		BBeers@BeersLaw.net	9/3/2024 10:52:11 AM	SENT

Associated Case Party: Marianna MichelleSullivan

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